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PATENT & TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue application of	Group Art Unit: 3735
FERNANDO J. ISAZA, ET AL.	Examiner: Unassigned
Serial No. 09/811,104	Docket No. PURIT 54796
Filed: March 16, 2001	
U. S. Patent No. 5,881,717	
Issued: March 16, 1999	
For: SYSTEM AND METHOD FOR ADJUSTABLE DISCONNECTION SENSITIVITY FOR DISCONNECTION AND OCCLUSION DETECTION IN A PATIENT VENTILATOR	July 26, 2001
	Los Angeles, California 90045

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DECLARATION OF DAVID G. PARKHURST IN SUPPORT OF PETITION FOR APPLICATION ON BEHALF OF NON-SIGNING INVENTOR

I, DAVID G. PARKHURST, hereby declare and state as follows:

1. I am a partner in the law firm of Fulwider Patton Lee & Utecht, LLP, located at Howard Hughes Center, Tenth Floor, 6060 Center Drive, Los Angeles, California 90045.

2. On March 13, 2001, Stanley Y. Wong telephoned me, and advised me in our telephone conversation on that date that he refused to participate in the above noted reissue application and refused to sign any documents in connection with this petition or the subject

EXHIBIT "A"

reissue application.

3. On March 23, 2001, I personally mailed a letter with copies of the Declaration and Power of Attorney, Assignment, and a Statement by Inventors, as well as the above noted application and preliminary amendment, by Federal Express, to the last known address of Stanley Y. Wong at 5182 Frazee Road, Oceanside, CA 92056. The envelope for the letter was returned unopened and marked "WRG ADDR 27 MAR 11:56 Recipient Moved" covered and partially obscured by a "RETURN TO SENDER SHIPMENT" label. A copy of the letter of March 23, 2000 to Stanley Y. Wong and a copy of the front of the returned envelope are attached.

4. The last known address of Stanley Y. Wong is as follows: 5182 Frazee Road, Oceanside, CA 92056.

5. On several occasions including March 8, 2001 and March 13, 2001, I personally contacted Wendy L. Benoit, Senior Paralegal, Intellectual Property, of MALLINCKRODT, INC., which acquired NELLCOR PURITAN BENNETT INCORPORATED, the former employer of Stanley Y. Wong, in an attempt to ascertain Stanley Y. Wong's current whereabouts, but I was unable to discover Stanley Y. Wong's current address.

6. On March 12, 2001 I personally contacted the Human Resources department of MALLINCKRODT, INC./NELLCOR PURITAN BENNETT in an effort to ascertain a forwarding address or other forwarding information for Stanley Y. Wong in order to ascertain Stanley Y. Wong's current whereabouts, but I was unable to discover Stanley Y. Wong's current address.

7. On March 23, 2001, I personally mailed a copy of the letter and enclosures of March 23, 2001 to Stanley Y. Wong to the Human Resources department of MALLINCKRODT, INC./NELLCOR PURITAN BENNETT, by Federal Express, requesting that they forward the letter and enclosures to Stanley Y. Wong, based upon my belief and understanding that the Human Resources department may have had forwarding information for Stanley Y. Wong. A copy of the letter of March 23, 2001 to the Human Resources department of MALLINCKRODT, INC./NELLCOR PURITAN BENNETT is attached.

8. To date, I have received no reply to the letters of March 23, 2001 mailed directly to Stanley Y. Wong and mailed via the Human Resources department of MALLINCKRODT, INC./NELLCOR PURITAN BENNETT.

I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: July 26, 2001

By: David G. Parkhurst

David G. Parkhurst
Reg. No. 29,422

Enclosures:

1) Copy of March 23, 2001 letter by FedEx to Stanley Y. Wong
2) Copy of front of returned FedEx envelope
3) Copy of March 23, 2001 letter by FedEx to Human Resources department of MALLINCKRODT, INC./NELLCOR PURITAN BENNETT